

**Richard E. Weltman** (rew@weltmosk.com)  
**Michael L. Moskowitz** (mlm@weltmosk.com)  
**Debra Kramer** (dk@weltmosk.com)  
**Adrienne Woods** (aw@weltmosk.com)  
**Melissa A. Guseynov** (mag@weltmosk.com)  
**WELTMAN & MOSKOWITZ, LLP**  
*Attorneys for Debtor/Debtor-in-Possession*  
270 Madison Avenue, Suite 1400  
New York, New York 10016-0601  
(212) 684-7800

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re:	}	Chapter 11 Case
HVI CAT CANYON, INC.,		Case No. 19-32857 (HDH11)
Debtor.		

**MOTION FOR SETTING AND REQUEST TO EXPEDITE HEARING FOR WELTMAN  
& MOSKOWITZ, LLP TO WITHDRAW AS ATTORNEYS FOR DEBTOR**

TO: THE HONORABLE HARLIN D. HALE  
UNITED STATES BANKRUPTCY JUDGE:

Weltman & Moskowitz, LLP (“W&M”), counsel to HVI Cat Canyon, Inc., debtor and debtor-in-possession (“Debtor”), submits this motion (“Motion”), for an expedited hearing on its motion to withdraw as counsel to Debtor (“Withdrawal Motion”), and states as follows:

**BACKGROUND**

1. By this Motion, W&M seeks an expedited hearing on September 18, 2019 at 1:30 p.m. (CDT) on the Withdrawal Motion, or as soon as the Court is able to hear such motion.

2. As set forth in the Withdrawal Motion, W&M advised Debtor’s management of the possibility of venue transfer and resultant need for replacement counsel several weeks prior to the venue transfer. However, to the best of W&M’s knowledge, Debtor has not yet engaged replacement counsel, and as further explained below, Debtor has failed to provide an affidavit in compliance with Local Rule 2091-1.

3. Moreover, as an evidentiary hearing regarding cash collateral has been scheduled for September 18-19, it W&M's immediate withdrawal has become even more pressing. W&M has no presence in Texas, no office, no attorneys admitted there and has never been involved in a case in Texas, bankruptcy or otherwise.

4. It would be unduly burdensome and simply, put, unfair and inequitable, to force W&M to continue to represent a debtor that has no interest in permitting W&M to withdraw as counsel while continuing to receive professional services knowing if it does not obtain replacement counsel, W&M must continue to represent debtor's interests.

5. W&M notified Debtor of the relevant Local Rule and requested Debtor review and if acceptable, sign an affidavit pursuant to Local Rule 2091-1. Debtor's principal has refused and/or ignored the required affidavit allowing W&M to withdraw.

6. As a result, W&M requests the hearing on the Withdrawal Motion be set for September 18, 2019, or as soon as the Court is able to hear it.

7. Certificate of Conference. Counsel to UBS, the United States Trustee and Counsel to the Committee have requested the hearing on the Withdrawal Motion be held only following the hearing and determination of the matters presently scheduled for September 18 and 19, or on the next date convenient to the Court. Debtor's management failed to reply to our request for consent to the expedited relief.

8. Notice of the proposed expedited hearing will be provided electronically to all parties receiving the Court's ECF notifications and by first-class mail on all other parties on the Core Service List as defined in the Order Establishing Notice and Service Procedures (ECF doc. no. 39).

**WHEREFORE,** W&M respectfully requests the Withdrawal Motion be set for a hearing  
on September 18, 2019 1:30 p.m. (CDT)

Dated: New York, New York  
September 9, 2019

**WELTMAN & MOSKOWITZ, LLP**  
*Attorneys for Debtor/Debtor in Possession*

By: /s/ Michael L. Moskowitz

**MICHAEL L. MOSKOWITZ**  
270 Madison Avenue, Suite 1400  
New York, New York 10016  
(212) 684-7800